

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David E. Altobelli, Larry B. Gray, and Derek G. Kane

Application No.: 10/675,278

Group No.: 2877

Filed: September 30, 2003

Examiner: Punnoose, Roy M

For: Detection System and Method for Aerosol Delivery

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBIVATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

IDENTIFICATION OF PERSON(S) MAKING THIS DISCLAIMER

I, Samuel J. Petuchowski, represent that I am the attorney of record for this invention.

Accompanying documents for this application is an amendment.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

DISCLAIMER
(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/670,924, filed on September 25, 2003, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/670,924, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Other than a small entity--fee \$130.00.

FEE PAYMENT

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Date: June 25, 2007

/ Samuel J. Petuchowski, # 37,910/

Samuel J. Petuchowski

Registration No. 37,910

BROMBERG & SUNSTEIN LLP

125 Summer Street

Boston, MA 02110-1618

US

617-443-9292

Customer No. 002101

01062/00D41 692996.1